

FOR IMMEDIATE RELEASE

December 23, 2008

December 23, 2008 -- Chief Justice of the Delaware Supreme Court, Myron T. Steele, sent the following message to all Judicial Branch employees:

As we near the end of 2008 and look ahead to 2009, I am writing to express my gratitude to each of you for your hard work during the past year and to discuss the challenges which lie ahead for the Judicial Branch. Due to your combined efforts, the Courts have accomplished much in the past year -- struggling against the odds to manage our very demanding workloads, under increasingly difficult circumstances. Many of you will be able to get away from the pressures of work for the extended weekend that includes December 25th and 26th (although I am aware that some of those in the Justice of the Peace Court will be working).

I regret to advise that last week's DEFAC numbers reflected worsening state revenue projections, which have declined by more than \$200M for the current fiscal year (FY 2009) and by more than \$450M for FY 2010 (since July 2008). As a result, 2009 will likely result in even more stringent "belt tightening" by all branches of state government. There is no doubt that the next months will be difficult for all of us. I realize that there are rumors about what actions will or will not be undertaken to address the serious fiscal problems that the State is facing and I cannot tell you, at this point, what may ultimately need to occur to address those problems. I anticipate that the hiring freeze that has been in place in the Judicial Branch since last spring will continue into the foreseeable future, and that we will work through all of the options for reducing costs and increasing efficiencies. We have complied with a request from the Office of Management and Budget (OMB) to prepare a voluntary furlough plan and hope that our efforts will avoid the need for more serious actions, such as layoffs. That said, we would exhaust every measure conceivable before we implement actions such as layoffs. Our Branch employees are our most important asset. We cannot afford to lose any of you.

We would, as a consequence, appreciate your suggestions on ways to reduce expenses and increase productivity and efficiencies. Please submit any suggestions on cost reductions or increased efficiencies that you may have with your Court's administrator. It is my fervent hope, which I am sure is shared by all in state government, that more drastic actions to address possible fiscal shortfalls do not need to be taken, as all of us are aware that the repercussions from those actions will be severe. With the potential magnitude of the problem, however, all options remain on the table at this time.

I would like to inform you of some of my recent comments in our response to the OMB's request for savings from the Judicial Branch of \$6 million in FY 2009 (7% of our total budget) and more than \$12 million in FY 2010 (15% of our budget):

We will continue to work in partnership with the other branches of government to try to address the state's serious fiscal problems. However, everyone needs to be aware that the level of cutbacks requested will severely impact core functions of the Judicial Branch, which will seriously impede our ability to meet our constitutional obligations. We have made every effort to be innovative regarding additional funding possibilities in our approach to the projected budget problems, but do not see that we will ever be able to make the more than \$12 million in savings requested for FY 2010 as [the actions needed to achieve that amount of cutbacks] will have grave repercussions on those who work in the courts, as well as the public, state agencies, such as the Department of Correction, and law enforcement agencies, who will experience increasing court delays and rising costs in their operations because of those delays.

In closing, we recognize the seriousness of the fiscal situation and have done our best to be creative in using additional funding as a means to address some of the cutbacks requested. Despite those efforts, the strain that these types of cuts would place on the court system may take the whole justice system over the edge. [Up to this point, the focus has been on] across-the-board budget cuts with comparable percentage cutbacks in all state programs. I suggest that this focus must change. The Judicial Branch's role is mandated by the Constitution. Unlike the Executive Branch, most of our funding goes to core functions that are required by the Constitution and are not preferential social service programs, which are desirable but not constitutionally mandated.

Though we have no firm understanding how the budgetary crisis will be resolved, you should know that my principle concern remains that the business of this branch must be able to be moved forward and we cannot move forward without you remaining on the job working together. To accomplish our mandated mission we require adequate and appropriate material and personnel resources. In our efforts to do our part to assist in fixing the economic woes of our State, we will do our best to ensure that both are preserved. I wanted to make you aware of our current situation, and ask for your cooperation and support as we work towards the solution.

Myron T. Steele

**FOR FURTHER INFORMATION, PLEASE CONTACT
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